

Message Text

CONFIDENTIAL

PAGE 01 BONN 19327 01 OF 03 211849Z
ACTION EUR-12

INFO OCT-01 ISO-00 IO-13 CIAE-00 DODE-00 PM-05 H-01
INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02
SS-15 USIA-06 ACDA-12 /084 W
-----074620 211900Z /53

R 211825Z NOV 77
FM AMEMBASSY BONN
TO SECSTATE WASHDC 3308
USMISSION USBERLIN
INFO AMEMBASSY BERLIN
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
USMISSION USNATO

C O N F I D E N T I A L SECTION 01 OF 03 BONN 19327

E.O. 11652: GDS
TAGS: PGOV, BQG, AK
SUBJECT: FRENCH AGREE TO COMPROMISE PROPOSAL ON BERLIN
SPANDAU LOCK

REFS: (A) BONN 19068
(B) BONN 18975
(C) USBER 2798
(D) USBER 2755
(E) BONN 4624

BEGIN SUMMARY: THE FRENCH HAVE AGREED TO THE FRG
COMPROMISE PROPOSAL FOR A MODIFIED BERLIN SENAT STATE-
MENT IN CONNECTION WITH THE SIGNING OF THE SPANDAU LOCK
ARRANGEMENTS. IN EXCHANGE, HOWEVER, PARIS HAS INSISTED
ON AN ALLIED STATEMENT SETTING OUT THE ALLIED VIEW OF
THE LEGAL SITUATION REGARDING BERLIN WATERWAYS. THE
BONN GROUP REACHED AD REF AGREEMENT ON A DRAFT BK/O FOR
THIS PURPOSE. THE SENAT REP WILL NOW PROPOSE TO THE
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 BONN 19327 01 OF 03 211849Z

GDR REP THE MODIFIED SENAT STATEMENT. ACTION REQUESTED:
APPROVAL OF DRAFT BK/O. END SUMMARY

1. AT NOVEMBER 17 BONN GROUP MEETING, THE FRG REP
(VON BRAUNMUEHL) INQUIRED OF THE FRENCH REP (RICHARD)
WHETHER FRG POLITICAL DIRECTOR VAN WELL HAD UNDERSTOOD
CORRECTLY AT THE QUADRIPARTITE LUNCHEON (REF A) THAT

THE FRENCH AGREED TO THE FRG COMPROMISE FORMULA (PARAGRAPH 2 OF REF B) ON THE SPANDAU LOCK. RICHARD REPLIED THAT IT WAS CORRECT THAT THE FRENCH AGREED TO THE COMPROMISE FORMULA BUT THAT THE EMBASSY HAD RECEIVED INSTRUCTIONS AFTER THE LUNCHEON WHICH QUALIFY THAT AGREEMENT. HIS INSTRUCTIONS FROM PARIS ARE:

A) ALTHOUGH THEY DO NOT INSIST THAT THE TEXT BE CHANGED, THE FRENCH CONSIDER THE FIRST SENTENCE OF THE FRG FORMULATION SOFT AND THE SECOND SUPERFLUOUS.

B) THE FRENCH WISH TO ENSURE THAT THERE IS A MANDATE FROM THE ALLIES TO THE SENAT. WHILE THEY PREFER A BK/O, THEY DO NOT INSIST ON IT. HOWEVER, THERE MUST BE A PUBLIC DOCUMENT WHICH IS ISSUED BEFORE THE SIGNATURE OF THE SPANDAU ARRANGEMENT OR ON THE SAME DAY AS THE SIGNING.

C) THE FRENCH REGARD IT AS VERY IMPORTANT THAT IF THE GDR REFUSES TO ACCEPT ANY SENAT STATEMENT, OR IF THE GDR WILL NOT ACCEPT THE FRG COMPROMISE FORMULA, THE SENAT SHOULD STICK BY THE PREVIOUS FORMULATION (USBER 2499).

D) IF THE GDR ACCEPTS THE NEW SENAT STATEMENT WITH NO REPEAT NO GDR COUNTERSTATEMENT, THE FRENCH WILL CONFIDENTIAL

CONFIDENTIAL

PAGE 03 BONN 19327 01 OF 03 211849Z

AGREE TO THE FRG COMPROMISE FORMULATION. (COMMENT: RICHARD SAID THAT IF THE GDR PROPOSES TO MAKE A STATEMENT, EVEN A NON-CONTROVERSIAL ONE, HE WILL HAVE TO SEEK NEW INSTRUCTIONS AFTER THE BONN GROUP EXAMINES THE PROPOSED GDR STATEMENT.) BUT AN ALLIED STATEMENT, ISSUED EITHER BEFORE THE SIGNING OR ON THE SAME DAY, IS A NECESSITY. THE ALLIED STATEMENT SHOULD BE IN CONFORMITY WITH BK/L(74)46, WHICH HAD AUTHORIZED THE SENAT TO SIGN THE SPANDAU LOCK ARRANGEMENT IN 1974.

2. UK REP (EYERS) SAID THAT LONDON PREFERRED A SIMPLER ALLIED STATEMENT THAN BK/L(74)46 OR THE BERLIN MISSIONS' DRAFT (REF C), AND HE SUGGESTED A FORMULATION WHICH, AS LATER SLIGHTLY AMENDED, IS SET OUT BELOW IN PARAGRAPH 7. HE SAID THAT LONDON BELIEVES IT DESIRABLE THAT THE SENAT NEGOTIATIONS AND THE ALLIES PUT ON THE PUBLIC RECORD THAT:

A) THE SENAT ACTS ON THE BASIS OF ALLIED AUTHORIZATION.

B) THE SIGNING OF THE ARRANGEMENT DOES NOT AFFECT

CONFIDENTIAL

NNN

CONFIDENTIAL

PAGE 01 BONN 19327 02 OF 03 211851Z
ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-07
L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15
USIA-06 IO-13 ACDA-12 /084 W
-----074637 211858Z /53

R 211825Z NOV 77
FM AMEMBASSY BONN
TO SECSTATE WASHDC 3309
USMISSION USBERLIN
INFO AMEMBASSY BERLIN
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
USMISSION USNATO

C O N F I D E N T I A L SECTION 02 OF 03 BONN 19327

THE EXISTING LEGAL SITUATION.

3. EYERS SAID THAT AFTER THIRTY YEARS, ANYONE WHO HAS
LOOKED CLOSELY AT THE SITUATION WILL AGREE THAT THE
LEGAL SITUATION IS UNCLEAR. DETAILED LEGISLATION
SUGGESTS AN ATTEMPT TO CHANGE UNILATERALLY THE SITUATION.

4. HE SAID THAT LONDON NOW SHARES PARIS' PREFERENCE
FOR A BK/O RATHER THAN A BK/L AND THAT ONE FACTOR WHICH
HAD LED LONDON TO THIS CONCLUSION WAS A SOVIET COMMUNIQUE
DATED NOVEMBER 7, 1977, WHICH REPLIED TO THE JULY 6,
1977 ALLIED STATEMENT (REF E) REGARDING THE BERLIN
WATERWAYS IN CONNECTION WITH GDR ACCESSION TO THE
INLAND NAVIGATION CONVENTION. THE COMMUNIQUE CLAIMS
THAT THE WATERWAYS OF THE WESTERN SECTORS WERE UNDER
THE JURISDICTION OF THE SOVIET AUTHORITIES AND WERE AN
INTEGRAL PART OF THE SOVIET ZONE OF OCCUPATION. THE
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 BONN 19327 02 OF 03 211851Z

COMMUNIQUE STATES THAT THIS JURISDICTION WAS THEREAFTER TRANSFERRED BY THE SOVIET AUTHORITIES TO THE GDR.

(COMMENT: THE DOCUMENT IN QUESTION IS UNITED NATIONS C.N. 332.1977. TREATIES-3. IT WILL BE THE SUBJECT OF SEPARATE BONN GROUP CONSULTATIONS.)

5. THE US REP SAID THAT AS BETWEEN A BK/O AND BK/L, HE AGREED WITH THE PREFERENCE FOR A BK/O RATHER THAN A BK/L, FOR THE REASONS CITED IN REF D. HOWEVER, HE RAISED THE QUESTION WHETHER, AFTER THE SENAT HAD (HOPEFULLY) COME TO A COMMON AGREEMENT WITH THE GDR ON A RELATIVELY SIMPLE INNOCUOUS STATEMENTS, THE GDR MIGHT FEEL THAT IT HAD BEEN MISLED IF THE ALLIES THEN ISSUED A BK/O WHICH REFERRED TO THE SUPREME AUTHORITY OF THE ALLIES OVER THE WATERWAYS SINCE BK/L'S, WHICH ARE NOT PUBLIC, HAVE USUALLY BEEN ISSUED UPON CONCLUSION OF SENAT/GDR ARRANGEMENTS. ALTHOUGH HE AGREED WITH THE COMMENTS THAT THIS MATTER IS ONE OF PURELY ALLIED COMPETENCE, HE ASKED WHETHER SUCH A STEP (IF THE GDR HAD NOT BEEN FOREWARNED) MIGHT RESULT IN THE GDR BEING LESS WILLING IN THE FUTURE TO NEGOTIATE PRACTICAL ARRANGEMENTS WITH THE SENAT. IN RESPONSE, THE BERLIN REPRESENTATIVE (MEICHSNER) SAID THAT THIS WAS A POINT WORTH CONSIDERING. IN THE COURSE OF DISCUSSION, HE SAID THAT WHEN THE GDR WAS ASKED WHAT IT WOULD THINK OF A SENAT STATEMENT MADE APART FROM THE SIGNING CEREMONY, THE GDR SAID IT WAS INDIFFERENT. THE CONSENSUS OF THE DISCUSSION WAS THAT SINCE THE BK/O WOULD NOT BE PRINTED FOR SEVERAL WEEKS AFTER THE SIGNING, THE LIKELY HARM TO SENAT/GDR RELATIONS WAS NOT GREAT.

6. IT WAS AGREED THAT IF THE GDR ASKED THE SENAT REPRESENTATIVE DIRECTLY WHETHER THE ALLIES WOULD ISSUE CONFIDENTIAL

CONFIDENTIAL

PAGE 03 BONN 19327 02 OF 03 211851Z

A STATEMENT, THE SENAT REP SHOULD REPLY THAT THE SENAT EXPECTS TO RECEIVE THE ALLIED AUTHORIZATION AS USUAL. IF THE GDR REP ASKED WHETHER THIS WOULD BE A PUBLIC STATEMENT, THE SENAT REP SHOULD REPLY THAT THIS IS A MATTER FOR THE ALLIES.

7. THE FOLLOWING DRAFT OF A BK/O WAS THEN AGREED AD REF:

-- "THE ALLIED KOMMANDATURA HEREBY AUTHORIZES THE SENATOR FOR BUILDING AND HOUSING OR HIS REPRESENTATIVE TO SIGN THE TECHNICAL ARRANGEMENT RELATING TO SPANDAU

LOCK SUBMITTED BY THE SENAT FOR APPROVAL WITH THEIR
LETTER OF (DATE).

-- THE SUPREME AUTHORITY OF THE ALLIED KOMMANDATURA
IN RESPECT OF THE WATERWAYS IN THE WESTERN SECTORS,
THE EXISTING RESPONSIBILITIES OF THE SENAT AND THE
LIMITED OPERATIONAL FUNCTIONS DELEGATED TO THE WASSER-
STRASSENHAUPTAMT REMAIN UNAFFECTED BY THIS ARRANGEMENT."

8. RICHARD SAID THAT HE WOULD PROPOSE THIS TEXT TO THE
QUAI IN THE HOPE THAT IT WOULD SATISFY THE QUAI'S
INSISTENCE ON A FIRM ALLIED STATEMENT. IT WAS AGREED,
HOWEVER, THAT IN THE MEANTIME THE SENAT REP COULD
APPROACH THE GDR REP AND PROPOSE THE SENAT STATEMENT IN
REF B.

9. COMMENT: PROGRESS IS GLACIAL ON THE SPANDAU LOCK
PROBLEM, BUT THERE SEEMS TO BE MOVEMENT.
WE SHARE EYERS' VIEW THAT THE RELATIVELY SIMPLE BK/O
SET OUT ABOVE SHOULD BE ADEQUATE TO PROTECT THE ALLIED
LEGAL POSITION AND APPEARS TO US
PREFERABLE TO THE MORE DETAILED BERLIN MISSIONS' DRAFT

CONFIDENTIAL

CONFIDENTIAL

PAGE 04 BONN 19327 02 OF 03 211851Z

CONFIDENTIAL

NNN

CONFIDENTIAL

PAGE 01 BONN 19327 03 OF 03 211849Z
ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-07
L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15
USIA-06 IO-13 ACDA-12 /084 W
-----074622 211858Z /53

R 211825Z NOV 77
FM AMEMBASSY BONN
TO SECSTATE WASHDC 3310
USMISSION USBERLIN
INFO AMEMBASSY BERLIN
AMEMBASSY LONDON

AMEMBASSY MOSCOW
AMEMBASSY PARIS
USMISSION USNATO

C O N F I D E N T I A L SECTION 03 OF 03 BONN 19327

STATEMENT (REF C).

IF IT IS ACCEPTED BY PARIS,
AT LEAST ONE OF THE BARRIERS TO THE CONCLUSION OF THE
SPANDAU LOCK ARRANGEMENT WILL HAVE BEEN REMOVED. WE
RECOGNIZE OF COURSE THAT A STRONGER AND MORE DETAILED
STATEMENT MAY BE NEEDED IF THE GDR INSISTS ON MAKING
A TENDENTIOUS STATEMENT.

10. WE APPRECIATE USBER'S REASONING IN FAVORING AN
ALLIED PRESS STATEMENT RATHER THAN A BK/O (REF D). WE DID NOT
PRESS FOR A PRESS STATEMENT INSTEAD OF A BK/O, HOWEVER,
BOTH BECAUSE PROPOSED BK/O'S SIMPLER FORM WOULD APPEAR TO BE
SUITABLE FOR AN ALLIED ORDER (I.E. AUTHORIZATION OF THE
SENAT TO SIGN THE ARRANGEMENT) AND BECAUSE LONDON AND
PARIS HAD EXPRESSED A PREFERENCE FOR A BK/O. AT THIS
POINT, IT APPEARS BEST TO REMOVE AS MANY OBJECTIONS
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 BONN 19327 03 OF 03 211849Z

IN ALLIED CAPITALS AS WE CAN AND EYERS WOULD HAVE
PROBABLY HAD TO REFER BACK TO LONDON FOR NEW INSTRUC-
TIONS HAD WE INSISTED ON A PRESS STATEMENT RATHER THAN
A BK/O.

11. ACTION REQUESTED: UNLESS USBER SEES OVERRIDING
OBJECTIONS, APPROVAL OF DRAFT BK/O.
STOESSEL

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: POLITICAL SETTLEMENT, AGREEMENTS, POLICIES, BERLIN QUADRIPARTITE MATTERS
Control Number: n/a
Copy: SINGLE
Sent Date: 21-Nov-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977BONN19327
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770431-0693
Format: TEL
From: BONN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19771136/aaaaberc.tel
Line Count: 317
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: dd4c3e15-c288-dd11-92da-001cc4696bcc
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 6
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 77 BONN 19068, 77 BONN 18975, 77 USBERLIN 2798, 77 USBERLIN 2755, 77 BONN 4624
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 15-Mar-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 511697
Secure: OPEN
Status: NATIVE
Subject: FRENCH AGREE TO COMPROMISE PROPOSAL ON BERLIN SPANDAU LOCK
TAGS: PGOV, FR, GE, BQG
To: STATE USBERLIN
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/dd4c3e15-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009